84-911 No.

Office - Supreme Court, U.S.
FILED
DEC 10 1984
ALEXANDER L. STEVAS.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1984

(1) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Plaintiffs,

V

NOEL B. SAGE and WINETTA SAGE,
Husband and wife, Defendants.

---

(2) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Respondents.

---

(3) ERICH KOKER and BEATRICE E. KOKER
Husband and wife, Appellants,

V

FREDERICK V. BETTS, FROM LAW FIRM
OF BETTS PATTERSON & MINES,
Appellees.

A-P-P-E-N-D-I-X

PART II

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Appellants Pro Se

Parties To This Action: 2. and 3.

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EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

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28 USC §1257: (2)(3)

§1257. State courts; appeal; certiorari

"Final judgments or decrees rendered by the highest court of the State in which a decision could be had, may be reviewed by the Supreme Court as follows:

(1) "By appeal, where is drawn in question the validity of a treaty or statute of the United States and the decision is against its validity."

(2) By appeal, where is drawn in question the validity of a statute of any state on the ground of its being repugnant to the Constitution, treaties or laws of the United States, and the decision is in favor of its validity."

(3) "By writ of certiorari, where the validity of a treaty or statute of the United States is drawn in question or where validity of a State statute is drawn in question on the ground of its being repugnant to the Constitution, treaties or laws of the United States, or where any title, right privilege or immunity is specially set up or claimed under the Constitution, treaties or statutes of, or commission held or authority exercised under, the United States." June 25, 1948, c. 646, 62 Stat. 929:

28 USCA s1257 Note 99:

"Federal question was directly involved so that state court could not have given judgment without deciding it, Supreme Court has appellate jurisdiction." Sayward v Denny (1895) 158 US 180, 39 L Ed 941, 15 S Ct 777:

Note 74:

"Of course, there might be cases where, although the decision put forward other reasons, it would be apparent that a federal question was involved, whether mentioned or not. It may be imagined, for the sake of argument, that it might appear that a state court, even if ostensively deciding the federal question in favor of the plaintiff in error, really must have been against him upon it, and was seeking to evade the jurisdiction of this court. (Case Omitted)

Note 74: "If the ground of decision did not appear and that which did not involve a federal question was so palpably unfounded that it could not be presumed to have been entertained, it may be that this court would take jurisdiction. Johnson v Risk Tenn 1890, 11 S Ct 111, 137 US 300, 307, 34 L Ed 683. Leathe v Thomas,(Ill 1907) 28 S Ct 30, 207 US 93, 52 L Ed 118:

28 USCS §1257 Note 97:

"Decision in terms of Federal question is not essential; if decision of Federal question was necessarily involved in judgment rendered, it is not matter of importance that state court avoided all reference to question."
Chapman v Goodnow's Admr (1887) 123 US 540, 31 L Ed 235, 8 S Ct 211:
Bell's G. R. Co v Pennsylvania (1890) 134 US 232, 33 L Ed 892, 10 S Ct 533:
Chicago B & Q R. CO v Chicago (1897) 166 US 226, 41 L Ed 979, 17 S Ct 581:

28 USCA §1257 Note 99:

"A state may choose the procedure it deems appropriate for the vindication of federal rights, but where state court of last resort closes the door to any consideration of a claim of a federal right, it is not simply a question of state procedure."
Young v Ragen, (Ill 1949) 69 S Ct 1073, 337 US 235, 93 L Ed 1333:

28 USCA §1257 Note 403:

"In reviewing a case in which federal constitutional rights are asserted, United States Supreme Court must inquire not merely whether those rights have been denied in express terms but also whether they have been denied in substance and effect, and must review independently both legal issues and those factual matters with which they are comingled." Cyama v State of Cal., (Cal 1948) 68 S Ct 269, 332 US 633, 92 L Ed 249:

JUDICIARY ACT OF 1789

1 Stat. at Large 73 FIRST CONGRESS SESS I.
Chapter 29 1789 Page 85 and 86:

Sec 25: "And be it further enacted, That a final judgment or decree in any suit, in the highest court of law or or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decisionis in favour of such their validity, (d) or where is drawn in question the construction of any clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said Constitution, treaty statute or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the Supreme Court of the United States, in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered in circuit court and the proceeding on the reversal shall also be the same, except that

the Supreme Court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned, or regarded as a ground for reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the before mentioned questions of validity or construction of the said constitution, treaties, statutes, commission's or authorities in dispute." (a)

Footnote Page 86: 25th Sec Judiciary Act 1789:

"It is not necessary that the question shall appear in the record to have been raised, and the decision made in direct and positive terms, ipsissimis verbis; but it is sufficient if it appears by clear and necessary intendment that the question must have been raised, and must have been decided, in order to induce the judgment. It is not sufficient to show that the question might have arisen and been applicable in the case, unless it is further shown, on the record, that it did arise and was applied by theState Court to the case."

"A state is free to regulate the procedure of its own Courts in accordance with its own conception of policy but it does not follow that it may substitute trial by ordeal." Rideau v Louisiana 373 US 723, 83 S Ct 1417, 10 L Ed 2d 663:

"JUDICIARY ACT OF 1789"

Sec. 25: In delivering the opinion of the Supreme Court in the case of Fisher v Cockrell 5 Peters 248, Mr. Chief Justice Marshall Said:

> "In the argument the court has been admonished of the jealousy with which the States of the Union view the revising power entrusted by this tribunal. The observations of this character the answer uniformly has been that the course of the judicial department is marked out by law. We must tread the direct and narrow path prescribed for us.
>
> "As this court has never grasped at ungranted jurisdiction, so it never will, we trust, shrink from that which is conferred upon it."

Beatrice Koker invokes the jurisdiction conferred upon this court by the Judiciary Act of 1789, and all amendments thereto. Brought to you on the grounds a State of Washington statute is repugnant to the United States Constitution, and the decision of the state is in favor of its validity. Being in favor by having considered the meaningless appeal, and denial of federal rights and denial of civil rights and ruled in its favor by error.

ARTICLE III - THE JUDICIARY

Section 2:

"The judicial Power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;--to all Cases affecting Ambassadors, other public Ministers and Consuls;--to all Cases of admiralty and maritime Jurisdiction; --to Controversies to which the United States shall be a Party;--to controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States, --between Citizens of same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects."

"In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact with such Exceptions, and under such Regulations as the Congress shall make."

"The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed."

ARTICLE III - THE JUDICIARY

Section 1:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme Court and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office."

Article III §1 Note 121 p 12:

"Policy of federal courts is to decide cases on basis of substantial rights rather than technicalities."
Hines v Wainwright (C.A. Fla 1976) 539 F 2d 433:

Article III §1 Note 144 p 40:
"Generally"

"A rule of practice must not be allowed for any technical reason to prevail over a Constitutional right."
Giacona v US (CATex 1958) 257 F 2d 450, Cert Denied, 79 S Ct 113, 358 US 873, 3 L Ed 2d 104:

Article III §2 Cl 1 Note 29 p 226:
"Judicial Power Generally"

Press, Inc V Christenberry (1960) 276 F 2d 433

"Enforcing laws and the Constitution is ultimate responsibility of courts."

Article III §2 Cl 1, Note 17 p 76:

"United States Supreme Court must take notice on its own motion where jurisdiction does not appear."
Butler v Dexter, (Tx 1976) 96 S Ct 1527, 425 US 262, 47 L Ed 2d 774:

Article III §1 Note 121 p 36:
"Responsibility Of Judiciary - Generally"

"Courts are instituted with the duty to see that the right of every citizen to have his day in court, as well as all fundamental rights, are maintained inviolate."
Collins v Biron (DC Ala 1944)
56 F Supp 357, reversed on other grounds, 145 F 2d 758:

Article III Note 7 p 18:
"Judicial Power - Generally:

"Once Court assumes jurisdiction of cause of action, it possesses power to afford effective relief."
Baker v Carr (DC Tenn 1962)
206 F Supp 341:

"The power of court to investigate conduct of its own officers is inherent."
Constitution of the United States
Article III Note 102 p 30:
Emmons v Smitt (DC Mich 1944)
58 F Supp 860 affirmed 149 F 2d 869, cert denied 66 S Ct 50, 326 US 746, 90 L Ed 446:

ARTICLE III §2, cl 1, Note 3:
II CASES OR CONTROVERSIES
GENERALLY A. IN GENERAL

"By "Cases" and "Controversies" are intended claims or contentions of litigants brought before courts for adjudication by regular proceedings established for protection or enforcement of rights, or prevention, redress, or punishment of wrongs."
Smith v Adams (1889) 130 US 167, 32 L Ed 895, 9 S Ct 566:

"The Supreme Court of the United States may notice a plain and serious error, though unassigned."
2A United States Supreme Court Digest 542 §1084 (1) In General (Case Omitted)

"Courts and their procedural Safeguards are indispensable to our system of government, having been set up by our founders to protect the liberties they valued."
CONSTITUTION ARTICLE 3 §1 Note 7 p 18:
Duncan V Kahanamoku (Hawaii 1946) 60 S Ct 696, 327 US 304, 90 L Ed 688:

ARTICLE III §1 Note 61:

When a judge, or attorney or jury fails, there cannot be a trial fully and fairly heard in a meaningful manner of a constitutional trial."

42 USCA §1983 - CIVIL RIGHTS

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory of the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress." R.S. §1979 ; Pub L 96-170, §1, Dec 29, 1979 93 Stat 1284:

Note 414 p 149:

"Denial of access to the courts violates a recognized constitutional right, and conceivable could be the basis of a suit pursuant to this section, and thus action which prevents an individual from communicating with the court could constitute denial of access to the court." Henriksen v Bentley (C.A. Wyo 1981) 644 F 2d 852:

"If only objective of a state practice is to discourage the assertion of Constitutional rights, it is patently unconstitutional."
5 United State Supreme Court Digest 131 "Right Guaranteed By Constitution-Generally" §101: Chaffin V Stynchcombe 412 US 17 93 S Ct 1977, 36 L ed 2d 714:

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42 USCA §1983

N-1

"STATE ACTION"

X "Neither the label which a state places on its own conduct, nor the legitimacy of its motivation, can avoid the applicability of the Constitution."
USCA 14th Amendment Note 155 p 42
Cumulative §1 "State action generally"
DUE PROCESS Vann V Scott (CA Ill 1972) 467 F 2d 1235:

"Only when state action or inaction offends basic principles of fundamental fairness does a violation of defendants' (plaintiffs) right to due process or equal protection under this amendment result."
USCA 14th Amendment Note 15 p 279 §1
Cumulative "State Action - Generally"
US ex rel Boone V Fay (DCNY 1964) 231 F Supp 387, Cert Denied 85 S Ct 945, 380 US 936, 13 L Ed 2d 823:

"A state court judgment, even by adjudicating private lawsuits, may unconstitutionally abridge the right of free speech as well as the right of equal protection of the laws."
USCA 14th Amendment Note 30 p 307 §1
Edwards V Habib (1968) 397 F 2d 687, 130 US APP DC 126, Cert Denied, 89 S Ct 618, 393 US 1016, 21 L Ed 2d 560:

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

Forty-Second Congress Sess. I.
Chapter 22 1871 April 20
Statutes At Large Volume 17:

Page 13: "An act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes."

Section 1:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who under color of any law, statute, ordinance, regulation, custom, or usage of any jurisdiction of the United States to the deprivation of any rights, privileges, or immunities secured by the Constitution of the United States, shall any such law, statute, ordinance, regulation, custom, or usage of the State to the contrary notwithstanding, be liable to the party injured in any action at law, suit in equity, or other proper proceeding for redress; such proceeding to be prosecuted in the several district or circuit courts of the United States, with and subject to the same rights of appeal, review upon error, and other remedies provided in like cases in such courts, under the provisions of the act of the ninth of April, eighteen hundred and sixty-six, entitled "An Act to protect all persons in the United States in their civil rights, and to furnish the means of their vindication"; and the other remedial laws of the United States which are in their nature applicable in such cases."

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

Sec 1:

"Citizens of United States; states prohibited from abridging privileges or immunities of citizens of the United States, or depriving any person of due process or law or equal protection of the laws."

Sec 2:

Apportionment of representatives.

Sec 3.

Disqualification as officers or electors of persons who have engaged in insurrection or rebellion; removal of disability."

Sec 4.

Validity of public debt; debts for payment of pensions or bounties in suppressing insurrection; payment of obligations incurred in aid of insurrection; or claims for emancipation of slaves.

Sec 5.

Legislation for enforcement of article.

Amendment 14 Note 20 P 59:
Citizens of the United States

"Judicial action in private disputes is a form of state action required for application of this clause prohibiting state from abridging the privileges and immunities of citizens." Hosey v Club Van Cortlandt 299 F Supp (1969) DCNY

Note 30: Civil Rights Act:

"Only where asserted civil right stems from this amendment and claim is for damages resulting from abridgment of privileges or immunities or denial of equal protection of laws is federal remedy denied against persons not action under color of state law." Paynes v Lee 377 F 2d 61, (C,A. La 1967)

Note 102:

"Due process of law" means procedure according to rules and principles for enforcement and protection of private rights." Gray v Hall (1928) 265 P 246, 203 Cal 306:

"Law of Land as due Process"

"In one sentence, concept of due process is a product of history connoting conduct of legal proceedings according to law of land, that is, the rules of procedures traditional to Anglo-American jurisprudence."
USCA 14th Amendment Note 109 p 35 81, Cumulative: Johnson V Superior Court Of California, San Joaquin County Dept No 6(Cal App 1974) 113 Cal Rptr 740:

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

"This clause applies not only when one's physical liberty is threatened, but also where a person's good name, reputation, honor or integrity is at stake."

USCA 14th Amendment Note 404 p 125 §1 Cumulative "Basis or Fundamental Right" Gotkin V Miller (C.A.N.Y. 1975) (Second Circuit) 514 F 2d 125:

X "Due process questions under Federal Constitution may be presented either by failure of state to follow its own rules of law or by state rules of law serving as deprivation of due process."
USCA 14th Amendment Note 155 Page 41 § 1 Cumulative "State Action Generally" DUE PROCESS Field V Boyle (CA Ill 1974) Seventh Circuit

"The "liberty" which is protected by this amendment encompasses much more than the simple right to be free from unwarranted bodily restraint.",
USCA 14th Amendment Note 450 p 137 §1 Cumulative "Liberty Generally" DUE PROCESS Raper V Lucey (CA Mass 1973) 488 F 2d 748

FOURTEENTH AMENDMENT
UNITED STATES CONSTITUTION

"It is this amendment which obliges one to do what is just, not merely refraining from doing what is improper." USCA 14th Amendment Note 410 p 129 §1 Cumulative: (Case Omitted)

"Word" "liberty" as used in this amendment that no state shall deprive any person of liberty without due process of law denotes not merely freedom from bodily restraint but also rights of any individual to contract, to engage in any of common occupations of life, to acquire useful knowledge, and generally to enjoy those privileges long recognized as essential to orderly pursuit of happiness by free men." USCA 14th Amendment Note 109 p 35 §1 Cumulative: (Case Omitted)

"In determining the legal effect of certain facts as a deprivation of one's legal rights under the 14th Amendment, the Supreme Court is at full liberty to consider the facts as was the state supreme Court." 2A United States Supreme Court Digest 189 8. "Questions of Fact" §745 A. Generally. Truax v Corrigan 257 US 312, 42 S Ct 124, 66 L Ed 254:

14TH AMENDMENT

Judicial action may be state action. In USCA AMENDMENT 14 §1 p 280 Note 15. Landmark case of SHELLEY V KRAEMER 334 US 1, 14: 68 S Ct 836, 842, 92 L ED 1161 (1948) says:

> "That the action of state courts and judicial officers in their official capacities is to be regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this court."

USCA §1 14th AMENDMENT NOTE 602 P 644:

> "Once states have established avenue of appellate review, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts.

PARKHAM V CORTESE 407 US 67, 32 L Ed 2d 556,, 34 L ED 2d 165:

> Procedural due process is opportunity to be heard at a meaningful time and in a meaningful manner. AMENDMENT 14:

BROWN V ALLEN 344 US 443, (1953)

> ". . . we are not final because we are infallible, but we are infallible because we are final."

ABUSE OF PROCESS

"As usually defined, the tort of malicious abuse of process is committed when the actor employs legal process in a manner technically correct, but for a wrongful purpose to attain an unjustifiable end."

Judgment is "state action" within the meaning of the 14th Amendment of the Constitution of the United States. In the authority of GALELLA V ONASSIS 353 F Supp 196 and 487 F 2d 986 (1973): Quote:

"The claim that this constitutional right runs only against "state action" overlooks the fact that the act of a court -- even the entry of a judgment denying relief - - is state action within the meaning of the 14th Amendment." USCA AMENDMENT 14 §280 Note 15:

In Constitution Amendment 14 Note 20 p 59 it says:

"Judicial action in private disputes is a form of state action required for application of this clause prohibitting state from abridging the privileges and rights and immunities of citizen."

14th Amendment 0-6

42 USCS §1983 Note 179

IV. WHO IS PROTECTED: STANDING

"Neither economic injury nor specific individual rights are necessary to issue of standing to bring action under 42 USCS §1983."
Suarez v Administrador Del Deporte Hipico de Puerto Rico (1972) DC 354 F Supp 320:

42 USCS §1983 Note 560 p 606:
Pro Se Complaints

"Pro se complaint under 42 USCS §1983 naming non-immune defendant should be dismissed for failure to state claim, where lacking issuance of process and compliance with normal notice and hearing provisions of Federal Rules, ONLY WHERE IT APPEARS that plaintiff can prove no set of facts in support of his inartfully drawn complaint which would entitle him to relief; dismissal reversed and cause remanded to secure necessary compliance."
Marshall v Brierley (1972, CA 3 Pa) 461 F 2d 929:

"Pro se complaints under 42 USCS §1983 are held to less stringent standards than formal pleadings drafted by lawyers." Cruz v Cardwell (1973, CA 8 Mo) 486 F2d 550:

ACCESS TO THE COURTS

"Access to the courts is guaranteed by this clause." USCA 14th Amendment Note 409 p 126 §1 Cumulative "Access To Courts" Mathis V Di Giancinto (DC PA 1977) 430 F Supp 457

"One of fundamental rights protected by this clause is right of free access to courts, so that individual will have opportunity for appropriate hearing at meaningful time and in meaningful manner." USCA 14th Amendment Note 409 p 127 §1 Cumulative "DUE PROCESS" "Access To Courts, Right of" Moore v Howard (DC Va 1976) 410 F Supp 1079:

"This amendments' procedural due process protection attaches to any significant private interest." USCA 14th Amendment Note 455 p 139 §1 Cumulative "Personal or Private Rights, Generally." Graff v Nicholl (DC Ill 1974) 370 F Supp 974:

"Meaningful access to courts is guaranteed by this clause." USCA 14th Amendment Note 409 p 101 §1 Cumulative DUE PROCESS "Access to Courts, Rights of" Dreher V Sieloff (CA Ill 1980) 636 F 2d 1141

"STATE ACTION"

6 UNITED STATES SUPREME COURT DIGEST 558
"Courts" II State Courts (A) In general
§171 Generally

"The judicial act of the highest court of the state, in authoriatively construing and enforcing its laws is the act of the State."
Twining v New Jersey
211 US 78, 29 S Ct 14, 53 L Ed 97:

"Sweep of this Amendment extends to all state action denying equal protection of laws and that includes officers who exercise state powers."
USCA 14th Amendment §1 Note 15 p 279:
"State Action - Generally" (Case Omitted)

"This clause is directed to every form of state action - legislative, executive, or judicial." USCA 14th Amendment Note 15 p 276 §1 Cumulative "State Action" - Generally. Shock V Tester (CA Ark 1969) 405 F 2d 852, Headnote 5: 395 US 941, 23 L Ed 2d 460 89 S Ct 2004:

X "Due process questions under Federal Constitution may be presented either by failure of state to follow its own rules of law or by state rules of law serving as deprivation of due process."
USCA 14th Amendment Note 155 p 41 §1 Cumulative "State Action Generally"
DUE PROCESS Field V Boyle (CA Ill 1974) Seventh Circuit 503 F 2d 774:

MEANINGLESS APPEAL

"Once states have established avenue of appellate review, these avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts." USCA 14th AMENDMENT Note 602 p 644 §1 "Review" Rinaldi V Yeager (NY 1968) 86 S Ct 1497, 384 US 305, 16 L Ed 2d 577:

"Once state has established avenues of appellate review, the avenues must be kept free of unreasoned distinctions that can only impede open and equal access to the courts." USCA 14th Amendment Note 1254 p 533 §1 Cumul. "Standards Of Appellate Review" Blackledge V Perry (NC 1974) 94 S Ct 2098, 417 US 21, 40 L Ed 2d 628:

"If only objective of state practice is to discourage assertion of constitutional rights, the state practice is patently unconstitutional." USCA Amendment 14 Note 39 p 25 §1 Cumulative Chaffin V Stychcombe, US (GA 1973) 412 US 17, 93 S Ct 1977, 36 L Ed 2d 714: DUE PROCESS

MEANINGLESS APPEAL

"Any attempt by state to restrict right to seek redress for a violation of a constitutional guarantee is subject to challenge under this clause." USCA 14th Amendment p 129 Note 410, Cumulative "Constitutional Rights - Generally" Headnote 4: Sutton V County Court of Racine County, Wisc. 353 F Supp 716 (1973):

"Due process does not require state to provide appellate system, but if state does afford appellate system, equal protection prohibits state from granting appeal to some litigants and capriously or arbitrarily denying appeal to others." Headnote 8: In re Marriage of Valleroy (Mo App (1977) 548 SW 2d 857 USCA 14th AMENDMENT Note 121 §1 P 38: Cumulative

"The prohibition of the 14th Amendment against depriving any person of life, liberty or property without due process of law, or denying the equal protection of the laws, extend to all acts of the state, whether through its legislature, its executive, or its judicial authorities." Scott V McNeal 154 US 34, 14 S Ct 1108, 38 L Ed 896: 5 United States Supreme Court Digest 56 D. §34 "Federal Constitution as the Supreme Law" Application to States - Generally":

14th Amendment
O-11

MEANINGLESS APPEAL

"- - when state provides a right to appeal, it must meet the requirements of due process and equal protection."
USCA 14th Amendment Note 1236
Page 476 §1 Cumulative DUE PROCESS
"Right To Appeal - Generally"
Rheuark v Shaw (CA Tex 1980) 5th Cir
628 F 2d 297, Cert Denied 101 S Ct
1392, 450 US 931, 67 L Ed 2d 365:

X USCA 14th Amendment Note 155 p 41 §1
"State Action Generally"

"Due process questions under Federal Constitution may be presented either by failure of state to follow its own rules of law or by state rules of law serving as deprivation of due process." Field V Boyle
(CA Ill 1974) Seventh Circuit
503 F 2d 774:

X "Neither the label which a state places on its own conduct, nor the legitimacy of its motivation, can avoid the applicability of the Constitution."
USCA 14th Amendment Note 155 p 42 §1
Cumulative "State Action Generally"
DUE PROCESS Vann V Scott (CA Ill 1972)
Seventh Circuit 467 F 2d 1235:

CONSTITUTION
AMENDMENT V:

"Due Process Of Law * * * nor be deprived of life, liberty, or property, without due process of law; * * *

Note 11:

"The term "liberty" within this amendment is not confined to mere freedom from bodily restraint, but it extends to the full range of conduct which the individual is free to pursue, and it cannot be restricted except for a proper governmental objective." Bolling v Sharpe App D.C., 1954, 74 S Ct 693, 347 US 497, 98 L Ed 1083:

Note 12:

"Due process procedures required by this amendment vary with nature of case and the more serious the deprivation, the more extensive the procedural safeguards which must precede its imposition." Saville v Treadway D.C. Tenn. 1974, 404 F Supp 430:

Note 13: Elements of Due Process Generally:

"Fundamental requirement of due process is opportunity to be heard at meaningful time and in meaningful manner." Mathews v Eldridge Va 1976, 96 S Ct 893, 424 US 319, 47 L Ed 2d 18:

"Due Process is not technical concept with fixed content unrelated to the place and circumstances; rather, it is flexible and calls for such procedural protections as particular situation demands." Id.

Note 25:

"Due process of law" means the law of the land, which implies a general public law, equally binding upon every member of the community, which embraces all persons who are in, or who may come into, like situations and circumstances, and not partial laws affecting rights of classes of individuals, and when applied to special or class legislation, it means in addition that classification must be natural and reasonable." U.S. VBallard, D.C. Ky 1935, 12 F Supp 321:

NOTE 14: "Fair Play:"

"Due process is denied where the procedure tends to shock the sense of fair play." Howard v U.S. C.A. Cal 1967, 372 F 2d 294, Cert Denied 87 S Ct 2129, 388 US 915, 18 L Ed 2d 1356:

I

Where and How

Federal Questions Raised

✓ Superior Court

Supreme Court Document 020: CP 02.5
Clerk's Papers Page 12: (3rd Para)

"There is deprivation of my rights under Article III of the Constitution of the United States, and the entire Constitution."

"In a legal malpractice action brought against an attorney and law firm which represented the plaintiffs in a personal injury action, the evidence concerning the defendants' malpractice presented jury question."

Woodruff V Tomlin (C.A. 6) No. 77-1216: Wests Federal Case News Vol. 2 No. 10 March 9, 1979:

Supreme Court Document 020: CP 009 Page 8: Quoting:

"This motion and hearing and ruling of the court is a state action that must be answered without reconsideration and vacating the order. Judicial action may be state action." USCA AMENDMENT 14 §1 p 280 Note 15: 16 AM Jur 2d CONSTITUTIONAL LAW §491: Landmark case is SHELLEY V KRAEMER 334 US 1, 14: 68 S Ct 836, 842, 92 L Ed 1161, 1181 (1948) which said:

"That the action of state courts and judicial officers in their official capacities is to be

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"regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this court."

Supreme Court Document 020: CP 009 Page 9:

"Conduct that makes a sham of a judicial or quasi-judicial proceeding has far-reaching damage to the administration of justice." DR 1-102 (A)(5): IN RE KEILER 380 A 2d 119, 123 (1977):

"Courts must be able to rely upon what lawyers say - - what they represent as to the facts and/or the law, and must also rely upon what lawyers do-not say, for silence when there is a duty to speak, may mislead courts and prejudice the administration of justice."

Supreme Court Document 020: CP 009 Page 10:

"Fairness of procedure could not be had when the record of No 864509 is not weighed for the disbursement of funds to an attorney committing legal malpractice acts in the record still."

"Fairness of procedure is due process in the primary sense." FITZGERALD V HAMPTON (1972) 467 F 2d 755, 152 US D.C. Appl., 93 S Ct 549, 408 US 1055, 34 L Ed 2d 509:

WHERE AND HOW FEDERAL QUESTIONS RAISED - Superior Court

Supreme Court Document 020: CP 009 Page 10:

"Procedural due process is opportunity to be heard at a meaningful time and in a meaningful manner." PARKHAM V CORTESE 407 US 67, 32 L Ed 2d 556, 34 L Ed 2d 165:

"THE MOTION OF F. V. BETTS IS ASKING THE COURT TO DISBURSE FUNDS FOR AN IMPROPER PURPOSE. SERVICES RENDERED THAT TOOK THE RIGHT TO REDRESS AND REMEDY AND RESTITUTION AND PROPER RELIEF TO THOSE AGGRIEVED."

Supreme Court Document 020: CP 009 Page 11:

"Rights have been denied in express terms and in substance and effect. Mr. Betts had a non-committal motion which did-not inform the court that I had refused the judgment, but presented a motion for disbursement of funds as normal. Presented as if he had a right for this money. It is an atrocity to justice to think a man slated for a legal malpractice trial not only asks for pay but is granted such funds for such "services" abhorrent to the CPR, Oath, Constitution. The motion was a bad-faith bid for bounty."

Supreme Court Document 020: CP 009 Page 11:

"The entire motion and hearing was not at a meaningful time nor a meaningful manner without recognizing my pleas for more time, a change of court that knew the record to afford due process, also denied. Even my exception to the ruling is denied!"

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court Q-3

Supreme Court Document 020: CP 009 page 17:

COMPENSATION TO AN ATTORNEY FOR CONCEALMENT?

"Deceiving the court, jury, client is an act that will receive compensation unless the court order granting disbursement is now reconsidered, the order vacated with prejudice and the refused judgment remain untouched. A court such as your own, Your Honor, is deceived."

"Courts should at least know what everyone else knows." STENBERG V BUCKLEY (1954) 245 Iowa 622, WASHINGTON COURT COMMENTARIES August 1968: P 4 Vol IX No. 11: "Dedicated To Justice"

Supreme Court Document 020: CP 009 Page 21:

FIDUCIARY

"A member of the bar should not under any circumstances attempt to deceive another person, and it is immaterial whether harm was done." CUTLER V STATE BAR 455 P 2d 108,

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Supreme Court Document 020: CP 009 Page 22:

"There is no showing in the record of proper representation by Mr. Betts for his client then, Beatrice Koker. There is only a showing on the record of the gross negligence and infidelity and wrongful acts, omissions and legal wrongs. Please reconsider payment of fees when by law no fees shall be paid for such services rendered."

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court Q-4

Supreme Court Document 020: CP 009 Page 28:

TRUST FUND

"The motion of Mr. Betts to disburse funds is using the court to gain that to which he is not entitled. It shall be likened to an attorney misusing a clients-attorneys trust fund. The "Services Rendered" are on record in 864509 and include misconduct, violating disciplinary rules, moral turpitude, dishonesty, deceit, misrepresentation and disloyalty to a client, aiding and abetting the defense attorney engaging in conduct prejudicial to the administration of justice, and this court has allowed payment for such attrocities."

"Reconsideration of the order disbursing funds is asked before it is too late to save the system of justice."

Supreme Court Document 020: CP 009 Page 29:

"The decision of my attorney in trial was that if someone is sacrificed, it would not be a fellow attorney, it would be a client he had sworn to protect. It would be violation of The United States Constitution which Mr. Betts had sworn to uphold."

"AND NOW HE WANTS TO BE PAID FOR THIS."

"AND NOW THIS COURT IS ALLOWING PAY."

"PLEASE RECONSIDER."

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court

Supreme Court Document 020: CP 009 Page 29:

"Justice Burger has stated the condition of the courts and that the system of justice is in jeopardy. I am a victim of this system of justice who has jeopardized my very life."

"THE SYSTEM OF JUSTICE IS PUBLIC CONCERN AND INTEREST BECAUSE THE "LONG ARM PROTECTION" OF THE UNITED STATES CONSTITUTION IS A PERSONAL BIRTHRIGHT FOR EVERY AMERICAN."

Supreme Court Document 020: CP 009 Page 31:

"The anguish of being crippled for lie is anguish and pain. The betrayal of my attorney, the infidelity, disloyalty, and all other is a burden of anguish and outrage. The rulings of the courts deny me rights and damages for redress and remedy and restitution is anguish and outrage."

"The injustice of the system is a horror of anguish and outrage. There is further anguish that a court allows disbursement of funds for fees for this."

"SO DIE"

Supreme Court Document 020: CP 009 Page 30:

"The defense sent me to a doctor in 1975. During the examination the doctor took my blood pressure several times, made no comment, notated his record in silence."

(Cont'd)

WHERE AND HOW THE FEDERAL QUESTIONS RAISED - Superior Court Q-6

"Some time later, I went to another doctor for examination and brain wave test. He took my blood pressure and sent me immediately for help." "Mr. Betts is informed and cannot claim contributory negligence. Mr. Betts said he knew I had high blood pressure - - How could he, I just found out myself. He then informe me that Dr. Leavitt (defense doctor) put the blood pressure result in his medical report which says: I do certify this to be from the copy of the medical report of the defense doctor." /S/
Beatrice E. Koker

"In taking her blood pressure the examiner can hear the pulse without any blood pressure cuff on in the right brachial artery. Blood pressure in right arm is 210/0 and the left 200/70. The examiner is of the impression that there is a blowing low pitched murmur in the aortic area."

"Untreated blood pressure can be fatal it was learned. I called a legislator of the ethics committee about not being informed of such a dangerous condition to a stroke." "Mr. Betts was informed by me and became highly angry and said "he would put a stop to it" and he did. The medical board was not informed."

"A human being? Am I, any less a human being or any less a patient just because the doctor is examining for the defense? My own attorney kept this high blood pressure information from me. There is also a heart murmur. What is the implication? SO DIE?"

Supreme Court Document 020: CP 009 Page 32:

"Beatrice E. Koker denied full and fair hearing in a meaningful manner without transfer of the motion for disbursement to the court of Pre-assignment which heard this case and denied summary judgment for the legal malpractice. The Motion Court could not have weighed the record of No 864509, lawsuit against Mr. Betts and the defense attorney et ux, et al in 48 hours service of papers to hearing."

Supreme Court Document 020: CP 009 Page 33:

"Reconsideration because to allow attorney fees and costs and disbursement of a refused judgment under the circumstances of this case, makes a precedent ruling for all attorneys, and a ruling against the code of professional responsibility, and the Oath of an attorney, and the Constitution of the United States and the State of Washington cannot be upheld with payment for wrongful acts. This makes the equal protection applicable to the attorneys of this state in that every attorney can commit these wrongful acts and be reimbursed fees and costs. The public interest is in for shock and despair and disrespect for the courts if the order remains. There is no technicality to evade or avoid."

"Yes, the wrath of public interest anger will question the legal conscience of the system."

WHERE AND HOW THE FEDERAL QUESTION RAISED - Superior Court

Supreme Court Document 020: CP 009 Page 34:

"People will-not tolerate the utter disregard of rights and abuse of process. Mr. Betts is using the legal system to ask for that which is not due him, and the court is allowing it to the detriment and denial of the rights of another."

SAME

"I feel bereft of Constitutional rights to be rushed into a hearing, denied continuance, denied transfer to another court who knows this record."

"I object to the ruling and all circumstances thereto."

"The equal protection act is involved and relevant. If Mr. Betts is paid legal fees for malpractice acts, then every attorney in the State of Washington is eligible for the same."

Supreme Court Document 020: CP 011 Page 2:

"There are cases which have denied an attorney any recovery for attorney fees where there is breach of fiduciary duty. This is to prevent the attorney client relation of trust by oath, CPR, Constitution of the United States and the State, from being abused and against public policy and public interest and concern."

Supreme Court Document 020: CP 011 Page 6:

"The office of attorney is of public concern and regards administration of justice. RE BRADLEY 7 Wall 364 19 L Ed 214:

WHERE AND HOW THE FEDERAL QUESTION RAISED - Superior Court

Supreme Court Document 020: CP 011 Page 11:

"I respectfully move this court to vacate the order to disburse funds for contingency fees of F. V. Betts who has by his acts, omissions and legal wrongs, deprived me of Constitutional rights."

"I respectfully ask this be done to avoid further litigation and appeals and more court calendars crowded from a wrong ruling by the court in manifest error and abuse of discretion."

"I respectfully ask you to reconsider the denial of procedural due process and rights to a continuance asked for, right to a under advisement ruling to allow me time for memorandum of law, and all other in the record."

Supreme Court Document 020: CP 011 Page 12:

"What happened to all the Constitutional Promises to the CITIZEN?"

Supreme Court Document 020: CP 011 Page 12:

"I ask you to reverse your ruling, vacate the order, and reinstate the funds back into the court. I have refused this judgment because of the deceit and wrong committed in obtaining. Please undo more wrong before it is too late and the courts collapse from the pressure of deeds they are not committed to. Justice is foremost."

WHERE AND HOW THE FEDERAL QUESTION RAISED - Superior Court Q-10

WHERE AND HOW
FEDERAL QUESTION RAISED
Supreme Court of Washington
Meaningless Appeal

Supreme Court Document: O11 Page 11:

AUTHORITY

"The motion of F. V. Betts for disbursement of funds for contingency fees to be given to him should have been denied on the authority presented the lower court by Beatrice Koker. A direct appeal lies to the United States Supreme Court on the issues presented to this court for direct review. In 1 UNITED STATES SUPREME COURT DIGEST 722 S73 d. It Says:"

"An appeal lies from a decree in equity for costs, when they are directed to be paid out of a fund in the hands or under the control of the court." (Case Omitted)

Supreme Court Document: O11 Page 13:

"This ruling of the court and order and decision is a state action that must be answered in reversal and deny the motion for disbursement to F. V. Betts. Judicial action is state action." SHELLEY V KRAEMER 334 US 1, 14: 68 S Ct 836, 852, 92 L Ed 1161, 1181 (1948) which said:"

Quote:

Supreme Court Document: 011 Page 13: (Cont'd)

"That the action of state courts and judicial officers in their official capacities is to be regarded as action of the State within the meaning of the Fourteenth Amendment, is a proposition which has long been established by decisions of this court."

Supreme Court Document: 011 Page 15:

"I respectfully plead with this court for direct review of a matter of great import to the public who must depend for justice on the only courts we have and the attorneys attached thereto."

Supreme Court Document: 012 Page 3:

"The record of proof is burned into my cortex as a victim and recipient of the aftermath of an attorney violating the Constitution of the United States, and the Constitution of the State of Washington, and his Oath and the CPR."

Supreme Court Document: 012 Page 7 and 8:

"Instead the record reads that the victim is denied all her rights, deprived of restitution, and the attorney is paid for his malpractice acts, omissions and legal wrongs in disbursement of contingency fees from a court fund."

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court

R-2

Supreme Court Document: 012 Page 11:

"The road of right and wrong are so diversely opposite there is no difficulty to determine which is right." "Why then is it so difficult to be right and consistently be denied the redress and remedy and rulings and judgment that are by law mine?"

Supreme Court Document: 012 Page 10:

"The office of attorney is of public concern, and regards administration of justice." RE BRADLEY 7 Wall 364, 19 L Ed 214: RE GARLAND 4 Wall 333, 18 L Ed 366: BANK V WARD 100 US 195, 25 L Ed 621:

Supreme Court Document: 014: page 1 and 2:

Page 1: Unconscionable Subject Matter

"The disbursing of court funds for contingency fees to compensate an attorney for his malpractice conduct is in forfeiture, and now relates back to the entire case and opens up another can of worms."

Page 2:

"I respectfully ask the Supreme Court of Washington to examine the records for the sake of justice. The ramifications of injustice done to Beatrice Koker begging to be helped by her right in the courts of the State of Washington is all there. The Supreme Court of the

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"United States has denied jurisdiction and therefore, there is no ruling on the merits in certiorari and jurisdiction can be resurrected and is still not too late to redeem the promises of the Constitution."

Supreme Court Document: 014 Page 3:

"Instead of justice, a serpent of injustice gliding in and out of the courts devoured my rights and redress and remedy and restitution and left me damaged, abandoned, alone with court injuries, and attorney injuries, and the injustice injuries heaped upon my physical injuries. I did no wrong and am punished."

"F. V. Betts, Attorney, did wrong and is rewarded."

Supreme Court Document: 014: Page 14:

"Attorney Betts has trod upon the rights of a client, committed fraud upon the court and criminal contempt of court,and has breached his sworn fiduciary duty and fidelity with bad faith. The umbrella of misplaced protection of this attorney by the courts has deprived me of Constitutional rights."

Supreme Court Document: 014: Page 22:

Quoting A 4 Seattle Times Newspaper 2/13/'84:

"Burger concluded. "When we see costs of justice rising, when we see our standing in public esteem falling, something is wrong . . . (Cont'd

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WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court R-4

". . . Whos is responsible? The answer must be: We are. I am. You are."

Supreme Court Docket: 014 Page 24:

"The importance of the matter before the State Supreme Court warrants direct appeal that abuses of the attorney in this matter is theft in the system of justice of truth and honor and integrity and equal justice to all."

"Direct appeal to the state supreme court for fundamental justice."

Supreme Court Docket: 014: Page 26:

THE STATE SUPREME COURT DENIED ATTORNEY FEES FOR BREACH OF FIDUCIARY DUTY

"There should be direct review under the equal protection and due process for this court has already ruled on the question of fees and ruled in the favor of my presentation herein."

ALLARD V PACIFIC NATIONAL BANK
99 Wn 2d 394 (1983):

Supreme Court Docket: 014 Page 27:

"There is aggrievement to trust in the legal profession and the image it projects to the public of "fidelity, truth, honesty. Then to make discovery of such obstruction of justice acts as to an attorney lying, withholding material facts to my injuries . . ."

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court

R-5

Supreme Court Docket: 014 Page 28:

"I am further aggrieved that a court has compensated the wrongdoers and penalized the victim again. The equal protection clause does not award the wrongdoers at the expense of the victim. The legal wires for remedies are reversed."

Supreme Court Docket: 014 Page 31:

ETERNAL AGGRIEVEMENT

"A plaintiff is aggrieved by a judgment in his favor if it is-not rendered for all he claimed in his declaration." KINGSLEY V DELANO 172 Mass 37, 51 NE 186: OPENSHAW V OPENSHAW 105 Utah 574, 144 P 2d 528:

Supreme Court Docket: 014 page 32:

"To reward one attorney for his legal wrongs, is to give license to every attorney in this state to commit the same legal malpractice wrongs and be paid for it. The equal protection of the law demands it."

Supreme Court Docket: 014 Page 32:

"If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice."
Learned Hand - Legal Aid Society of New York February 16, 1951 - 9 Brief Case, No. 4 p 5:

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court R-6

State Supreme Court Docket: 014 page 32:

"To no one will we sell, to no one will we refuse of delay, right to justice." MAGNA CARTA Ch 40 (1215):

State Supreme Court Docket: 014 Page 36:

"My journey-for-justice is not over." "The courts have not helped me as promised in the Constitution."

State Supreme Court Docket: 014 Page 37:

"The Constitution of the United States demands that the promises therein be practiced religiously and not be mere words preached to shallow ears, with no action from the judicial powers ordained for Justice in America."

State Supreme Court Docket: 014 Page 37:

"As a loyal citizen of America, I shall not tolerate broken Constitutional promises. I shall forever seek reversal of injustice given me." "I AM GROWING OLD IN A TOMB OF INJUSTICE."

State Supreme Court Docket: 018 Page 3:

"There are no further proceedings in Superior Court. The damage is done in disbursing court funds for forfeiture acts of wrongdoing proven from the record. The court below has committed such grievious error as to place the system of justice in jeopardy . . . . ."

WHERE AND HOW THE FEDERAL QUESTION RAISED - State Supreme Court

R-7

State Supreme Court Docket: 018 Page 10:

"For the facts of this case, a direct approach is mandatory. One does-not use discretion to review a matter other attorneys are disbarred for."

State Supreme Court Docket: 020 Page 2:

RELATING BACK

BELATED JUSTICE COULD STILL BE DONE. The motion for disbursement of funds has opened the way to examine the record of a citizen deprived of rights and restitution."

State Supreme Court Docket: 021 Page 4:

"F. V. Betts is responsible for damage to his client and his wrongs will forever stand as a monument of forfeiture to fees. He not only obstructed justice of my trial, but now intrudes on a deceitful judgment to snare a share of further shame."

State Supreme Court Docket: 022 Page 6:

BETTS EVADING AND AVOIDING IN COURT REQUESTED RESPONSE

"I object to the respondents response in its entirety on the grounds of evading, avoiding issues and facts and pleadings, ignoring authority presented by appellant, and not presenting authority of their own." "There was no notice to Beatrice Koker nor the court."

State Supreme Court Docket: 022 Page 12:

"The status quo of petitioner Beatrice Koker is deprivation of all redress and remedy and is affected to capacity and beyond."

State Supreme Court Docket: 022 Page 15:

"The only services rendered are the malpractice of an attorney and his representation of lies and deceit on the record. It is departing from accepted judicial conduct to recognize such acts as compensable."

State Supreme Court Docket: 022 page 17:

"My intent is clear from the record that the PEOPLE OF THE STATE will not be paying for trials of extortion of rights and obstruction of justice."

State Supreme Court Docket: 022 Page 18:

"This Court must be made aware that Beatrice has-not picketed nor attended public hearings for justice seeking means. My respect for the Courts and Legal Profession has not waivered through the throes of all these rejections of justice to me."

State Supreme Court Docket: 023 Page 1:

"Frederick V. Betts has now committed an act under color of law and involves himself, his former law firm of Skeel, McKelvey, Henke, Evenson & Betts, and King County and the State of Washington."

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court R-9

State
Supreme Court Docket: 023 Page 3:

"Your Court has not helped me."

State Supreme Court Docket: 025 Page 5:

"INVESTIGATION PRO SE FOUND
NEW ISSUE "UNDER COLOR OF LAW"

"The record shows Betts wanted that money disbursed from the fund so much he committed an "act under color of law" in deceit and concealment. The commissioner of your court has ignored the entire matter and failed to postpone a ruling to allow me to present the entire matter. A clear denial of a right to due process. And he did-not rule."

State Supreme Court Docket: 025 Page 6:

THE OPINION IS PREJUDICED

"Commissioner Crooks does-not address any of the issues on appeal. He bypasses Betts "rendered services," and once again the "umbrella of protection" is extended over the wrongdoer. The commissioner's refusal to postpone the ruling results in his inaccuracy on the new issue. His interpretation of "refusal of judgment" is akin to not reading the pleadings and attachments. The publis will see a court giving "power protection to attorneys" while saying "down with the citizen."

WHERE AND HOW FEDERAL QUESTION
RAISED - State Supreme Court R - 10

State Supreme Court Docket: 025 Page 7:

Torture Chamber Pleadings Endured in Legal Duty To Inform The Courts

"The superficial opinion attacks on the pleadings by Commissioner Crooks, deviates momentary attention away from the fact there is NO RULING ON THE ISSUES. There is deviation temporarily from total absence of discovery of recent deceit of State and County officials "under color of law." The opinion lacks justice-jurisdiction."

State Supreme Court Docket: 025 Page 29:

Denials Of Rights

"There is deprivation of my rights under Article III of the Constitution of the United States, and the entire Constitution was put before the judge."

State Supreme Court Docket: 025 Page 32:

"The motion of Mr. Betts has opened the issue of his malpractice and the question of fees cannot be settled without reverting to the 864509 for the lawsuit on the very subject of why he should not receive payment for such acts."

State Supreme Court Docket: 025 Page 40:

"The Supreme Court is the only entity that has control over attorneys. That control is not "discretionary but

(Cont'd)

State Supreme Court Docket: 025 Page 40 (cont'd)

"a statutory duty and power. The thrust of the Commissioner of your court that followed is a pattern of denial of an absolute right."

State Supreme Court Docket: 025 Page 40:

"Statement of the grounds for direct review in the notice of appeal on pages 7 through 10 indicate the subject matter considered for direct review RAP 4.2(a)(4): The controversy over leasehold excise taxes, cemetery, mausoleum and columbarium companies and business and occupation tax, recovery for work performed, personal injury in a fertilizer plant, estate, possession valium, locating heirs. AND DIRECT REVIEW IS DENIED WHEN ATTORNEY OBTAINS FEES FOR MALPRACTICE ACTS???????"

State Supreme Court Docket: 025 Page 41:

"The entrapment destruction of absolute rights has an example in the 1979 statute which condemns people of the Court of Appeals, and then there is no way to get into the Supreme Court except by "discretionary review." The rules state a Commissioner or Clerks ruling in denying discretionary review is seldom overturned."

State Supreme Court Docket: 025 Page 43:

"Overworking of the courts is denying justice to those now deprived, depressed, and degraded." WHEN THE ATTORNEYS ARE UNDER CONTROL OF THE STATE SUPREME COURT SHALL A COMMISSIONER BE ALLOWED TO RULE?"

R-12

State Supreme Court Docket: 025 Page 44:

"The Rulings and Non-Rulings
Of The Superior Court and State
Supreme Court Commissioner deny
Me Access to Court, Deny Citizens
Money, Deny Trust To The Public"

"Equal protection is an element of of repercussions from the rulings of the courts so far. Betts is granted fees for acts that shock the conscience of any reader of the facts of the case of representation. What are the courts thinking of? That this will be a buried issue and just deny, denay and deny and it will go away? No. It will never go away because I live with the results of his "rendered services" in minute to minute existence in the slime of deprivation."

State Supreme Court Docket: 0310 Page 3:

"The Commissioner Crooks of your court has stated he could not summarize the pleadings of Beatrice Koker. This is imperative reason for oral argument where the justices of the court have free rein to ask questions to clarify all matters."

"There is a denial to the right to due process and a right to justice, to be denied whatever will open the way to understanding of a controversy."

State Supreme Court Docket: 0310 Page 3:

"No one else can usurp the duty that only a justice or judge can rule."

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court R-13

"F. V. Betts committed another "act under color of law" while this appeal is in progress. The Commissioner ignores Petitioner's accelerated plea to postpone the ruling until the matter ultimately could be reported. The Commissioner ignored my plea, ruled, denied discretionary review on top of denial of direct review."

State Supreme Court Docket: 0310 Page 8:

"Why should I be a victim of a ruling of a commissioner over-worked? It states that out of 28 subjects for motion, the commissioner or clerk have 25 of them. Your clerk admittedly did not give you a summary of the case."

State Supreme Court Docket: 0310 Page 9:

"I grieve for the promises in the Constitution also."

State Supreme Court Docket: 0310 Page 11:

"The entire purpose of appeal is to obtain understanding of the issues and the controversy itself as due process."

State Supreme Court Docket: 0310 Page 14:

"Plethora of wrongs compel plethora of pleadings plus justice."

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court R - 14

State Supreme Court Docket: 0310 Page 18:

"Why should the victim be on the defensive in an adversary system that is justice for all, equal protection, truthfulness and honor and integrity. Why shall the victim be denied the debt that is owed her?"

State Supreme Court Docket: 0310 Page 20:

"A woman is crippled, betrayed legally, and rejected by the courts while those who have removed my damages are rewarded for their reprehensible acts."

State Supreme Court Docket: 0310 Page 20:

"I live in deprivation of rights. Deprivation of a way of life. Deprivation of pursuit of happiness. Deprivation of liberty because of others."

State Supreme Court Docket: 0310 Page 21:

"A live victim of injustice in court is more realistic than a name and number neatly typed on a piece of paper." "Oral Argument"

State Supreme Court Docket: 033 Page 7:

"It is the State Supreme Court's duty to see that justice is done in a case which comes before it. In re Bruen, 102 Wash 472, 172 P 1152 (1918):

WHERE AND HOW FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 033 Page 10:

"I object to the frivolous response of respondents. I object to all their responses which are never responses. I object to the lack of authority. I object to the obvious success of non-presentation which so far has won the rulings of court." "Thus victims. Trauma. Grief. Aggrieved. Rights denied."

State Supreme Court Docket: 033 Page 11:

"Life as it was born to me, liberty as it was given to me Constitutionally and the Pursuit of Happiness is gone . . ."

"The only redress and remedy and restitution is taken from me by attorneys misdeeds. . . The only help to obtain justice in the courts was not given . . ."

State Supreme Court Docket: _____Page 3 & 4:

Please Note: The document is "NOTICE AND MOTION FOR RECONSIDERATION" And "OBJECTIONS TO ALL RULINGS OBJECTIONS TO ALL NON-RULINGS." The Clerk of the State Supreme Court "filed with no further action". Document dated June 4, 1984 and is listed in APPENDIX E-4: (Last Entry):

"In an alleged second degree perjury act, F. V. Betts concealed facts, under oath by affidavit, obtained the funds in controversy behind the scenes, in deceit, above the ruling of the court which he seemed not to need even if he is estopped by conduct from being

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paid. The Commissioner totally evaded this matter, even though it was reported to him before his ruling!" "The act was committed. The Commissioner knew it. He ignored it."

"To evade and avoid a ruling is a federal question."

State Supreme Court: _____Page 7:

" NOTICE AND MOTION FOR RECONSIDERATION And OBJECTIONS TO ALL RULINGS OBJECTIONS TO ALL NON-RULINGS" Filed June 4, 1984:

"RELIEF SOUGHT BY PETITIONER KOKER THAT IF THIS RECONSIDERATION OF DENIAL OF MODIFICATION OF COMMISS-IONERS RULINGS IS DENIED, THAT THE SUPREME COURT BY LAW SHALL BE COMPELLED TO RELATE BACK TO THE BEGINNING OF HIGH COURT RULINGS ON THAT SUBJECT IN THIS STATE UNDER THE EQUAL PROTECTION ACT."

State Supreme Court: _____Page 7:

"The law of forfeiture is evaded and avoided for this attorney and no other."

"UNDER THE EQUAL PROTECTION LAW NO ONE CAN BE A LEGAL "TEACHER'S PET" AND F. V. BETTS IS BEING PAID FOR ACTS WHICH ANY OTHER ATTORNEY WOULD BE DISBARRED, AND THIS IS UNCONSTITUTIONAL RULING BY THE COURTS OF THE STATE OF WASHINGTON."

"ALL ISSUES EVADED AND AVOIDED AND NOT RULED."

FEDERAL QUESTION RAISED
State Supreme Court

R-17

State Supreme Court Docket: _____Page 24

"NOTICE AND MOTION FOR RECONSIDERATION AND OBJECTIONS TO ALL RULINGS OBJECTIONS TO ALL NON-RULINGS" Filed June 4, 1984: Clerk of State Supreme Court filed with no further action."

"I am deprived of fundamental and substantial rights to live as a whole person with life, liberty and the pursuit of happiness."

State Supreme Court Docket: 0360 Page 2:
(Appeal to Justice of the above RAP 17.7)

"Relief sought for access to the State Supreme Court for a ruling on motion for reconsideration. The purpose of any motion to any court is for a ruling on the matter by the judges under Article III of the United States Constitution. The access to your court for a justices ruling on motion for reconsideration is in estoppel of "filing with no further action" as per Constitutional Law of Burns v Ohio (infra)"

State Supreme Court Docket: 0360 Page 3:

"Relief sought from the legal-loophole-use of "filed with no further action" that denies the right of access to the courts. The purpose of a motion is for ruling by the judges.""The ultimate result is that a court case-overload is lightened, and reprehensible issues against attorneys can be eliminated by intruding on the Constitutional Rights to be heard."

FEDERAL QUESTION RAISED - State Supreme Court

R-18

State Supreme Court Docket: 0360 Page 5:

"Relief sought from evading and avoiding on rulings and non-rulings from the Commissioner of State Supreme Court, and the evading and avoiding by denying RAP 17.7 to modify Commissioner's rulings et al. And now relief sought in evading and avoiding a motion for reconsideration by "filed with no further action."

EVADING AND AVOIDING IS A FEDERAL QUESTION

State Supreme Court Docket: 0360 Page 8:

"Shock after shock befell Beatrice Koker who has proven her contentions and none are assumptions. The power of the appellate structure courts rallied around attorneys in their oath-breaking, their fraud of the court lying to judges and jury and proven from the record, and all wrong is ignored, or evaded and avoided and that is a federal question in itself."

State Supreme Court Docket: 0360 Page 11:

"There Is A Long History of Bias And Prejudice From State Courts Of Washington Which Relevantly Prove a Whistle Blower Is Discriminated Against. Denied Rights And Denied Access To State Courts And Is Deprived. Harrassed. Without by Law Redress And Remedy To The Victim But All Good Rulings That Profit Those For Misdeeds And Wrong And CONTRARY TO LAW

FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 0360 Page 18:

"Whistle-Blower Bea finds out a wrong, and the courts consistently protect Betts. You, the high court, has evaded and avoided your duty."
"The "appearance" of injustice shall be deemed injustice."

State Supreme Court Docket: 0360 Page 20:

"Commissioner And Clerk Rulings In Supreme Court And Court of Appeals Are Unconstitutional Per Article III "

"Therefore, the rulings of Commissioner Crooks denying direct review and denying discretionary review are in manifest error in two ways. (1) Contrary to law and (2) unconstitutional in that no jurisdiction of the justices realm of ruling on controversy shall be given to anyone but the Justices or Judges of a court." ARTICLE III of the Constitution Of The United States §1 Note 66 and Note 67:

State Supreme Court Docket: 0360 Page 22:

"Filed With No Further Action"

"There is no message in the law to allow the appellate structure of courts to do this. Therefore, it is court-made expedient to be rid of controversies before the court, to lighten the caseload and/or expell "unwanted whistle-blowing pro se's."

FEDERAL QUESTION RAISED - State Supreme Court

R-20

State Supreme Court Docket: 0360 Page 23:

"So there is question that any of the rulings of the clerks or the commissioners are valid even for an RAP 17.7 because they should not be allowed to rule in the first place."

"There is question of constitutionality of judicial rulings by your Commissioner and your Clerk according to Article III of the Constitution of the United States. (Supra) The Washington Appellate Practice says under RAP "that the Supreme Court rarely overturns the ruling of a Commissioner"." "That is advance notice of futility to try to obtain justice."

State Supreme Court Docket: 0360 Page 29:

"Wrongdoer Shall Bear Risk His Own Wrong Created With No Help From The Courts"

"The most elementary conception of justice and public policy requires that the wrongdoer shall bear the risk of the uncertainty which the wrong has created." Wenzler v Ward 53 Wn 2d 96 (1959) Quoting in narrative above from page 99:

State Supreme Court Docket: 0360 Page 30:

"You have not heard me. No oral argument, just rulings by commissioner and clerk ursurping the court's position of duties. That too is ground for review that justice cannot be done by substituting inferior officers, as judges."

FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 0360 Page 32:

"THE COURTS OF THE STATE OF WASHINGTON HAVE DEPRIVED BEATRICE KOKER OF HER RIGHTS UNDER THE 14th AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES BASED ON THE GROUNDS IN THE RECORD."

State Supreme Court Docket: 0360 Page 33:

"Who will change the course of injustice to justice and bind the forces that have allowed this denial of rights? Only the State Supreme Court can do it at this time."

State Supreme Court Docket: 037 Page 1:

"This supplementary document the result of research probing for why a clerk would rule "filed with no further action, which Article III Sec §1 Note 66 and Note 67 of the United States Constitution does prohibit as unconstitutional."

State Supreme Court Docket: 037 Page 2:

"Relief sought to obliterate using "overcrowded Courts" "caseload" to comandeer legislative action, and court rule action and court rulings by commissioners and clerks to clear the courts of appeals. Relief sought to restore access to the courts of appeals. Relief sought to restore access to the courts and in addition to that right, the right to due process and all constitutional rights to sovereign citizens. Repugnant To Const."

FEDERAL QUESTION RAISED - State Supreme Court

State Supreme Court Docket: 037 Page 2:

"Relief sought through the conscience of the courts inundated by workloads of frustration, to place justice of the cause first, and never let go of the individual rights regardless of the inconvenience and time of the court."

"There is no emergency measure that warrants removal of the rights of people. Repugnant To Constitution."

State Supreme Court Docket: 037 page 3:

"In Washington Laws, Chapter 331 Pages 1559 and 1560 there is a legislative law passed called "COURT CONGESTION REDUCTION ACT OF 1981." "To avoid congestion of the courts the legislature in Sec 2 of this act raised the docket fee from $25. (twenty-five dollars) to $100. (one hundred collars."

"This accomplished a filing fee so high that many cannot afford their rights to be heard, thus the outcome of unburdening the courts is burdening the people and denying them access to the courts and denying due process to be heard."

State Supreme Court Docket: 037 Page 4:

"Filed with no further action" stops that motion immediately without being heard. Another trap for caseload reduction. The caseload reduction is the unconstitutional throw-out method."

FEDERAL QUESTIONS RAISED - State Supreme Court

State Supreme Court Docket: 037 Page 4:

"The law clerks, clerks of the appellate courts, and the commissioners have either taken or been allotted by the courts, duties that are beyond their power by law. All done to undo congestion and all done outside the Constitutional Guarantees. The constitutional rights of people are bound to suffer on the basis of all-encompassing workload status versus rights of people."

State Supreme Court Docket: 037 Page 7:

"There is absolute shock at the devaluation of constitutional rights expended under the guise of lifting the caseload in the courts."
"What has happened is that Constitutional Rights to due process of law, and denial of access to the courts result from the projected Washington Law 1981, Chapter 331 Sec 1-Sec 16:"

State Supreme Court Docket: 037 Page 10:

"Backlog Eroding Trust In The Justice System"

"Thereis general agreement that the courts are overcrowded. There is controversy as to who is responsible. The method of solving the problem so far is taking constitutional rights away from the people."

State Supreme Court Docket: 037 Page 12:

"THE POWERS AND DUTIES OF COURT CLERKS RCW 2.32.050. NOWHERE IS THE CLERK PERMITTED TO FILE "WITH NO FURTHER ACTION."

FEDERAL QUESTIONS RAISED - State Supreme Court

State Supreme Court Docket: 037 Page 14:

"The Fourteenth Amendment Note 5 P 51 says this amendment is designed to shield litigants against arbitrary action in the disregard of essential right and justice. I claim that right."

State Supreme Court Docket: 037 Page 15:

"A filed paper in limbo of "no further action" is the same as no filing at all. The Constitutional guarantee is the right to be heard. That right to be heard is silenced with no action. This method of clearing crowded court agenda must stop not only in this instance but to everyone."

State Supreme Court Docket: 037 Page 19:

"Abolishing the right to be heard however good the intentions, shall never be due process."

State Supreme Court Docket: 037 Page 20:

"A lot of little people with their problems are slated to be absconded from the court dockets via the unconstitutional new procedures and new laws and "filed with no further action" just to make way for the time consuming, energy depleting BIGGY CASES."

State Supreme Court Docket: 037 Page 23:

"The attempts to alleviate the case-load agenda has brought the system of justice to brink of disaster constitutionally

State Supreme Court Docket: 037 page 25(a)

"I ask the Court Congestion Reduction Act be held invalid as expediency cannot take precedent over constitutional value. ARTICLE III §1 Note 121."

State Supreme Court Docket: 037 Page 25(b):

"I challenge any of the introduced elements to rid the courts of cases, because there is total disregard of the rights of people and only consideration of overloaded court calendars. All set forth herein are challenged objects of questionable acts and procedures to accompliah ahooing people and their problems out of their own courts."

"The courts are there to serve the people, the sovereign citizens. It is not serving the people to deny access to their own court system and deny rights to be heard in the very courts established so the people have a place to be heard."

State Supreme Court Docket: _____ page 1:

Please take judicial notice that again the Clerk of Supreme Court "filed with no further action" a document called: "OBJECTIONS BY APPELLANTS TO MEANINGLESS APPEAL" OBJECTIONS TO DENIAL OF FEDERAL RIGHTS. OBJECTIONS TO DENIAL OF CIVIL RIGHTS." (Cont'd)

What further action is there to be taken on "objections"? The document is filed. In Appendix C-13: the Clerk of the State Supreme Court admits all elements of objections and denial of federal rights as per that document, have been considered by the court and denied.

How can one file objections until after the fact of denials? What further action is there to take on objections? It is a record.

"Objection Document" _____Page 1:
"Filed With No Further Action"

> "A meaningful appeal is a Constitutional Federal Right under the Constitutional Amendment 14 §1240 Appellate Procedure. The State Supreme Court has broken the covenant of an oath to uphold the Constitution of the United States by denying Beatrice E. Koker and Erich Koker their right to a meaningful appeal. WE OBJECT."

State Supreme Court Docket: _____Page 2:

> "Where the law gives a party the right to appeal, there is a right to demand the conscientious judgment of the COURT on every question arising." "There is deliberate silence by the highest court of the state, a meaningless appeal and deliberate denial of Federal rights. Appellants object."

State Supreme Court Docket: _____Page 3
"Objection Document"
"Filed With No Further Action"

"The Appellants Kokers object to being caseload victims of the courts."

State Supreme Court Docket: _____Page 3:

"A court congestion task force was established in WASHINGTON LAWS, 1982 Ch. 187 p 773 (House Bill No. 864)"

"THE STATE SUPREME COURT CHIEF JUSTICE APPOINTED THIS TASK FORCE AND THE STATE SUPREME COURT HAS MADE APPELLANTS VICTIMS."

State Supreme Court Docket: _____ Page 6:

"I have challenged all the statutes related to appeals herein, as repugnant to the Constitution of Federal Rights."

State Supreme Court Docket: _____Page 6(a):

"A jury trial was asked for this important question of an attorney committing wrongdoing being paid a fee. To no avail in either court."

State Supreme Court Docket: _____Page 11:

"The state courts have given him exemption from his legal wrongs, and suffer the repercussions and denial federal rights onto the appellant sovereign citizens, depriving us of the very rights included in citizenship."

State Supreme Court Docket: _____ Page 12:

"Objection Document" Filed Sept. 12, 1984:
"Filed with no further action" Court Clerk

> "Objections to denial of equal protection right, and denial of right to due process. Objections to denial of rights under the Constitution 14th Amendment. The appeal is meaningless in federal rights unprotected by the State Courts of Washington."

WILLIAM C. GOODLOE
Judge of the Superior Court
King County Court House
Seattle, Washington 98104

April 5, 1984

TO WHOM IT MAY CONCERN:

Beatrice E. Koker has appeared pro se in my court at least a dozen times for various proceedings and it is without hesitation that I report that she is always fully prepared, forceful in her argument and extremely calm and deliberate in her advocacy.

Her memory is extraordinary and physical endurance is great. Mrs. Koker's knowledge of court rules and procedure is excellent.

An important test of competence comes from the attitude of my lower bench. Mrs. Koker's appearances in court are received by them with pleasure and cordiality.

/s/
WILLIAM C. GOODLOE

"References" S-1

Feb. 3, 1984

To whom it may concern:

On January 5, 1984, two attorneys came to my desk. Both had come from the Daily Motions Calendar, being heard that morning by The Honorable Lloyd Bever.

Both attorneys remarked on the eloquence and the expertise in legal knowledge of a female Pro Se who had appeared that morning on the calendar. Beatrice Koker was the only female Pro Se before Judge Bever's court that morning.

They also commented on her poise before the court, her ability to adequately defend herself, and the length of time the Judge allowed for the hearing of the motion, which was considerably longer than most of the other matters heard. The attorneys also wondered if she indeed might really be a pro se attorney.

/S/
Ellen L. H. Fawcett

Notary Public
Seattle Wa. King County

/S/
Eleanora Galley

S-2
"References"

To Whom It May Concern:

I have known Beatrice Koker since my first examination of her on April 9, 1976, and we have counseled every few months since her trial. I believe there has been considerable misunderstanding of her claims and her case, resulting in unfairness to her. Therefore, I would urge that she have another trial.

ARTHUR W. FREIDINGER, M.D.
Psychiatry
1900 Cabrini Medical Tower
901 Boren Avenue
Seattle, Washington 98104

Telephone 682-5266

Sincerely,

/s/
Arthur W. Freidinger, M.D.
AWF/cm

"References" S-3

REFERENCES

July 23, 1974

TO WHOM IT MAY CONCERN:

It has been my privilege to know Mrs. Erich (Beatrice) Koker for a number of years.

I hold her in the highest regard as a highly intelligent person of unassailable integrity, honesty, and character, to which should be added "courage."

Should detail or example be desired, the reader is invited to communicate directly with the undersigned.

/S/

ROBERT A. KEENE
6242 36th Avenue NE
Seattle, Washington

(206) 523-1188

"References" S-4

SUPREME COURT OF THE UNITED STATES

NO. A-340

BEATRICE KOKER, ET VIR.,

Appellants,

V

NOEL B. AND WINETTA SAGE

ORDER

UPON CONSIDERATION OF the application the appellants,

IT IS ORDERED that the time within which to docket an appeal in the above-entitled cause be and the same is hereby extended to and including December 10, 1984.

/s/ William H. Rehnquist
Associate Justice of the
Supreme Court of the
United States

Dated this 1st
day of November 1984.

Appendix F